

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2008-\_\_-C**

|                                             |   |                                |
|---------------------------------------------|---|--------------------------------|
| IN RE: Petition of the Office of Regulatory | ) |                                |
| Staff for Commission to Order a             | ) | PETITION OF THE OFFICE OF      |
| Rule to Show Cause as to Why The            | ) | REGULATORY STAFF FOR A RULE TO |
| Certificates of Public Convenience          | ) | SHOW CAUSE AS TO WHY           |
| and Necessity for Certain Providers         | ) | CERTIFICATES OF PUBLIC         |
| of Telecommunications Services              | ) | CONVENIENCE AND NECESSITY      |
| Should Not be Revoked                       | ) | SHOULD NOT BE REVOKED          |

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2007).

2. The South Carolina Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2007).

3. The Telecommunications Companies (“Telephone Companies”) listed in Exhibit A are certificated “telephone utilities” as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of

intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (1976 & Supp. 2007). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2007).

6. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2007).

7. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2007).

8. The Commission USF guidelines approved in Order No. 2001-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

9. The Telecommunications Companies listed in Exhibit A have failed to file annual USF Reports for the year ending 2007.

10. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Thomas H. Allen.

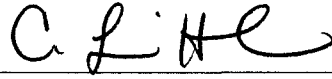
12. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2007).

13. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2007), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties

conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.
2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.
3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2007).
5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission’s records in that the required USF Reports for the year ending 2007 have not been filed for the Telecommunications Companies listed in Exhibit A.
6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.
8. For other appropriate action which the Commission may deem necessary.



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C. Lessie Hammonds, Esquire

**South Carolina Office of Regulatory Staff**

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Columbia, South Carolina 29201

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Fax: (803) 737-0895

Email: [lhammon@regstaff.sc.gov](mailto:lhammon@regstaff.sc.gov)

October 23, 2008

Columbia, South Carolina

**OUT OF COMPLIANCE RTSC  
DOCKET #2008- -C**

**EXHIBIT A**

| # | OrganizationName                                                                                                                                        | Registered Agent                                                                                 | Secretary of State status | Foreign or Domestic | Docket #   | Order #  | Date Certificate Issued |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------|---------------------|------------|----------|-------------------------|
| 1 | AboveNet Communications, Inc.<br>Keith Brann - Regulatory Affairs<br>360 Hamilton Avenue<br>White Plains NY 10601                                       | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    | Forfeiture                | Foreign             | 2000-201-C | 2000-660 | 8/15/2000               |
| 2 | Concord Telephone Long Distance Company<br>dba CTC Long Distance Services<br>Jerry L. Weikle - Mgr. Reg. Affairs<br>PO Box 227<br>Concord NC 28026-0227 | McNair Law Firm PA<br>1301 Gervais St<br>Columbia SC 29201                                       | Merger                    | Foreign             | 1996-266-C | 1997-75  | 1/28/97                 |
| 3 | Credit Loans, Inc. dba Lone Star State<br>Telephone Company<br>Larry E. Miller - President<br>139 N Main St<br>Conroe TX 77301                          | CT Corporation System<br>75 Beattie Place<br>Two Insignia Financial Plaza<br>Greenville SC 29601 | Good Standing             | Foreign             | 1999-507-C | 2000-376 | 4/25/00                 |
| 4 | Genesis Telecommunications Company, LLC<br>Ken Jefferson - President<br>PO Box 675<br>Greenwood SC 29648                                                | Karen P Jefferson<br>211 Taggart Ave<br>Greenwood SC 29646                                       | Good Standing             | Domestic            | 2000-350-C | 2000-873 | 10/27/00                |
| 5 | Gold Line Telemanagement, Inc.<br>Ata Moeini - President<br>180 W Beaver Creek Rd<br>Richmond Hill ON L4B1B4                                            | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     | Forfeiture                | Foreign             | 2002-12-C  | 2004-48  | 2/3/04                  |
| 6 | Go-Solo Technologies, Inc.<br>Maxine Paul - Compliance Analyst<br>10701 Danka Way N, Ste 100<br>St Petersburg FL 33716                                  | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     | Good Standing             | Foreign             | 2004-17-C  | 2004-427 | 9/9/04                  |
| 7 | GTC Telecom Corporation<br>Alice Breslow - President<br>PO Box 1680<br>Costa Mesa CA 92626-4626                                                         | National Registered Agents Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                 | Good Standing             | Foreign             | 1999-82-C  | 1999-592 | 8/23/99                 |

**OUT OF COMPLIANCE RTSC  
DOCKET #2008- -C**

**EXHIBIT A**

| #  | OrganizationName                                                                                                             | Registered Agent                                                                                 | Secretary of State status | Foreign or Domestic | Docket #   | Order #  | Date Certificate Issued |
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| 8  | QX Telecom, LLC<br>Chaim Millstein<br>230 Fifth Avenue, Ste 800<br>New York, NY 10001                                        | Capitol Corporate Services, Inc.<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223               | Good Standing             | Foreign             | 2001-469-C | 2002-366 | 5/12/02                 |
| 9  | SimpleDSL, Inc.<br>James A. Kennemore, Jr - Mgr<br>PO Box 8088<br>Greenwood SC 29648                                         | James A. Kenmore<br>333 Main St<br>Greenwood SC 29649                                            | Good Standing             | Domestic            | 2002-386-C | 2003-138 | 3/12/03                 |
| 10 | Startec Global Licensing Company<br>Lucy Mends - Reg Officer<br>7361 Calhoun Place, Suite 650<br>Rockville, MD 20855-2775    | B. Allston Moore, Jr.<br>5 Exchange St<br>Charleston SC 29401                                    | Forfeiture                | Foreign             | 1998-45-C  | 1998-576 | 7/28/98                 |
| 11 | Touch Tone Communications<br>Marchello Anzalone<br>16 South Jefferson Road<br>Whippany, NJ 07981                             | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     | Good Standing             | Foreign             | 2002-364-C | 2003-310 | 5/7/03                  |
| 12 | Yak Communications (America) Inc.<br>Ben Rovet - Sr. Reg. Counsel<br>300 Consilium Place, Ste 500<br>Scarborough, ON M1H 3G2 | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    | Good Standing             | Foreign             | 2002-387-C | 2003-532 | 9/22/03                 |
| 13 | Fonix Telecom Inc. <b>BANKRUPTCY Court Chapter 7</b>                                                                         | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    | Good Standing             | Foreign             |            |          |                         |
| 14 | LecStar Telecom, Inc. <b>BANKRUPTCY Court Chapter 7</b>                                                                      | CT Corporation System<br>75 Beattie Place<br>Two Insignia Financial Plaza<br>Greenville SC 29601 | Forfeiture                | Foreign             |            |          |                         |

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**OF SOUTH CAROLINA**  
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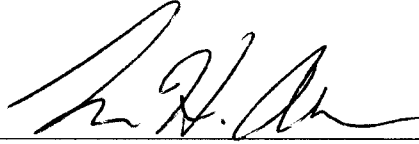
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| IN RE: Petition of the Office of Regulatory | ) |                 |
| Staff for Commission to Order a             | ) |                 |
| Rule to Show Cause as to Why The            | ) |                 |
| Certificates of Public Convenience          | ) | AFFIDAVIT OF    |
| and Necessity for Certain Providers         | ) | THOMAS H. ALLEN |
| of Telecommunications Services              | ) |                 |
| Should Not be Revoked                       | ) |                 |

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Thomas Allen and I am employed by the Office of Regulatory Staff ("ORS") as the Tariff Administrator.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

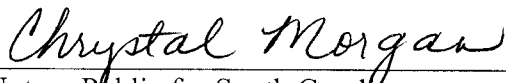


AND FURTHER THE AFFIANT SAYETH NOT.



\_\_\_\_\_  
**THOMAS H. ALLEN**  
**Tariff Administrator**  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 23<sup>rd</sup> day of October, 2008



\_\_\_\_\_  
Notary Public for South Carolina

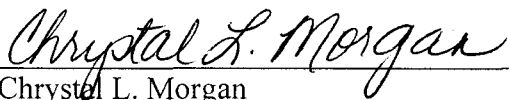
My Commission Expires: 9/22/2014

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
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| Staff for Commission to Order a             | ) |                        |
| Rule to Show Cause as to Why                | ) |                        |
| The Certificates of                         | ) | CERTIFICATE OF SERVICE |
| Public Convenience and                      | ) |                        |
| Necessity for Certain Providers of          | ) |                        |
| Telecommunications Services                 | ) |                        |
| Should Not be Revoked                       | ) |                        |

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown in the attached list:

  
\_\_\_\_\_  
Chrystal L. Morgan

October 23, 2008  
Columbia, South Carolina

**SERVICE LIST**  
**DOCKET #2008- -C**

| #  | OrganizationName                                                          | Registered Agent                                                                                 |
|----|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1  | AboveNet Communications, Inc.                                             | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    |
| 2  | Concord Telephone Long Distance Company<br>dba CTC Long Distance Services | McNair Law Firm PA<br>1301 Gervais St<br>Columbia SC 29201                                       |
| 3  | redit Loans, Inc. dba Lone Star State<br>Telephone Company                | CT Corporation System<br>75 Beattie Place<br>Two Insignia Financial Plaza<br>Greenville SC 29601 |
| 4  | Genesis Telecommunications Company, LLC                                   | Karen P Jefferson<br>211 Taggart Ave<br>Greenwood SC 29646                                       |
| 5  | Gold Line Telemanagement, Inc.                                            | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     |
| 6  | Go-Solo Technologies, Inc.                                                | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     |
| 7  | GTC Telecom Corporation                                                   | National Registered Agents Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                 |
| 8  | QX Telecom, LLC                                                           | Capitol Corporate Services, Inc.<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223               |
| 9  | SimpleDSL, Inc.                                                           | James A. Kenmore<br>333 Main St<br>Greenwood SC 29649                                            |
| 10 | Startec Global Licensing Company                                          | B. Allston Moore, Jr.<br>5 Exchange St<br>Charleston SC 29401                                    |
| 11 | Touch Tone Communications                                                 | TCS Corporate Services Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223                     |
| 12 | Yak Communications (America) Inc.                                         | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    |
| 13 | Fonix Telecom Inc. <b>BANKRUPTCY Court<br/>Chapter 7</b>                  | Corporation Service Co<br>1703 Laurel St<br>Columbia SC 29201                                    |
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